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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,870	01/21/2005	Lea Rampton	H2316-00002	1259
41396	7590	08/31/2007		
DUANE MORRIS LLP IP DEPARTMENT 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103-4196			EXAMINER GELLNER, JEFFREY L.	
			ART UNIT 3643	PAPER NUMBER
			MAIL DATE 08/31/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/521,870	Applicant(s) RAMPTON ET AL.	
	Examiner Jeffrey L. Gellner	Art Unit 3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
- 3) ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Acknowledge is made of Applicants' IDS received 15 April 2005.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Election/Restrictions

Applicant's election of Group I (claims 1-12) in the reply filed on 19 June 2007 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Non-elected claims 13-31 have been cancelled in the reply received 19 June 2007.

Claim Objections

Claim 2 is objected to because of the following informality:

In claim 2, line 4, "sewerage" should be "sewage" to conform to US nomenclature.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 6, 7, and 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Rampton (WO 95/03371; 12th document listed on Applicants' 1449).

As to claim 1, Rampton discloses a method for production of organic plant growth media from sawmill waste (from abstract; "pulverised bark mill waste" of page 6 2nd para.), the process comprising the steps of introducing comminuted sawmill waste ("pulverised bark mill waste" of page 6 2nd para.) into an inlet (region around 11 of Fig. 2) of a conveyor mechanism (Fig. 2) containing a body of heated water (12 of Fig. 2) including a chemical treatment of pH modifier ("aqueous limestone suspension" of page 6 5th para.); submerging the sawmill waste in the body of the heated water (from "exogenous bark, endogenous bark . . . sink to the floor of vessel 12" of last line of page 6 continuing to 2nd line of page 7, so this material is submerged) for a predetermined period of time (from "reaction time" of 1st complete para. of page 7) to kill microbes, insects, etc. (capable of this); and, at least partially dewatering the waste to a predetermined moisture content (page 7, 4th complete para.).

As to claims 6 and 7, Rampton further discloses the water heated in the range of 85 to 125°C or 100 to 110°C ("at or near 100°C" of Rampton page 6, 4th para.).

As to claim 9, Rampton further discloses the waste at least partially dewatered adjacent an outlet port (31 of Fig. 2).

As to claims 10 and 11, Rampton further discloses the dewatering by mechanical pressure, rotary watering apparatus ("rotary screen dryer 31" of Fig. 2 and page 8, lines 3-6).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rampton (WO 95/03371; 12th document listed on Applicants' 1449) in view of Lebo (US 3,960,718).

As to claim 2, the limitations of claim 2 are disclosed as described above. Not disclosed is the sawmill waste mixed with up to 20% sewage. Lebo, however, discloses a mixture of sawmill waste ("wood shavings, sawdust, ground bark, wood chips or other such material" of col. 1 lines 53-60) with sewage sludge (col. 1 lines 53-63). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method Rampton by adding sewage sludge as disclosed by Lebo so as make the material useable as a soil conditioner (see Lebo at col. 1 lines 53-60) and to make the amount of mixed with up to 20% sludge depending upon use of the medium.

As to claim 3, Rampton as modified by Lebo further disclose particulate pine bark ("[g]rained pulverised bark mill waste" of page 6, line 4 of Rampton) having exogenous and endogenous bark partially separated (from "from "exogenous bark, endogenous bark . . . sink to

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the floor of vessel 12” of last line of page 6 continuing to 2nd line of page 7 of Rampton; in the normal course of the method some of the bark particles would be partially separated).

As to claim 4, Rampton as modified by Lebo further disclose use of mechanical shear forces (from “[g]rained pulverised bark mill waste” of page 6, line 4 of Rampton).

As to claim 5, Rampton as modified by Lebo further disclose the exogenous and endogenous bark being partially separated during or subsequent the at least partial dewatering (from “shredder 31” of Fig. 2 and page 7 lines 36-37 of Rampton).

As to claim 12, Rampton as modified by Lebo further disclose the dewatering by mechanical pressure, rotary watering apparatus (“rotary screen dryer 31” of Fig. 2 and page 8, lines 3-6).

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rampton (WO 95/03371; 12th document listed on Applicants’ 1449):

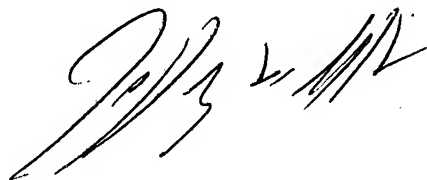
As to claim 8, the limitations of claim 1 are disclosed as described above. Rampton further discloses the particles sized at 6 to 30 mm (at page 4, lines 2-6). Not disclosed is the waste passing through a 12 mm screen. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method Rampton by having the waste passing through a 12 mm screen so that the material is uniform in size.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey L. Gellner whose telephone number is 571.272.6887. The examiner can normally be reached on Monday-Friday, 8:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on 571.272.6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jeffrey L. Gellner
Primary Examiner
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